

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
MARK REAVES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 04-30125-MAP
	)	
MASSACHUSETTS ARMY NATIONAL	)	
GUARD, RAYMOND VEZINA,	)	
	)	
Defendants.	)	
_____	)	

**DEFENDANTS' MOTION TO ENLARGE TIME PERIOD  
WITHIN WHICH TO RESPOND TO  
PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendants Massachusetts Army National Guard ("MAANG") and Raymond Vezina ("Vezina")<sup>1</sup> – by and through the Attorney General of the Commonwealth of Massachusetts, their counsel – move, pursuant to FED. R. CIV. P. 6(b)(1) and 34(b) or, in the alternative, FED. R. CIV. P. 16(b)(4), to the extent applicable, that this Court enlarge until August 19, 2008 (from August 8, 2008), the time period within which defendants may respond to plaintiff's request for production of documents

1. On July 15, 2008, this Court granted in part the *Motion for Reconsideration* (Dkt. No. 46) filed by plaintiff Mark Reaves, permitting him to serve a request for production for documents although the *Further Scheduling Order*, ¶ 1 (Dkt. No. 40) required that all non-expert discovery to be completed by June 27, 2008. The Court ordered that that "Defendant shall

---

<sup>1</sup> The docket reflects that the amended complaint is against MAANG and Vezina. The docket lists the three other defendants as terminated.

respond to Plaintiff's request for documents (attached to his motion) no later than August 8, 2008" twenty-four days hence.

2. The undersigned counsel of record for defendants needs some additional time to consult with his client and respond to plaintiff's request for production of documents. Since the Court granted in part plaintiff's motion, the undersigned, among other things, has been in the process of responding to two other federal actions to which he has been assigned, *Springfield Public Schools v. Doe, et al.*, Civil Action No. 08-30132-MAP (responsive pleading filed August 4, 2008) and *Granlund v. Commonwealth of Massachusetts Human Resources Division, et al.*, Civil Action No. 08-30035-KPN (response due Tuesday, August 12, 2008) as well also responding this week to a dispositive motion in a state court case.

3. Allowance of this motion will not prejudice plaintiff. Among the grounds for his motion for reconsideration, Reaves's counsel stated that he "will consent to any length of time that defendants require in order to answer and procure the requested documents." *Motion for Reconsideration*, ¶ 3.

CONCLUSION

Wherefore, MAANG and Vezina respectfully request that the Court allow this motion and enlarge until August 19, 2008, the date by which they may respond to plaintiff's request for production of documents.

By their attorney,

MARTHA COAKLEY  
ATTORNEY GENERAL

By: /s/ James S. Whitcomb  
James S. Whitcomb  
Assistant Attorney General  
Western Massachusetts Division  
1350 Main Street  
Springfield, MA 01103-1629  
(413) 784-1240, ext. 113 (telephone no.)  
(413) 784-1244 (facsimile no.)  
B.B.O. No. 557768

DATED: August 5, 2008.

**LR. 7.1(A)(2) CERTIFICATION**

The undersigned certifies that during the early afternoon on Friday, August 1, 2008, he left a voice mail message for plaintiff's counsel, Kiley D. Scott, Esquire, in an attempt in good faith to resolve or narrow the issue. The undersigned has not heard back from Mr. Scott.

/s/ James S. Whitcomb  
James S. Whitcomb

**CERTIFICATE OF SERVICE**

I, James S. Whitcomb, Assistant Attorney General, hereby certify that this document, filed through the Electronic Case Files system, will be, on this 5<sup>th</sup> day of August, 2008, sent electronically to the registered participant(s) as identified on the Notice of Electronic Filing and mailed in paper copy form, by first class mail, postage prepaid, to those indicated non-registered participant(s).

/s/ James S. Whitcomb  
James S. Whitcomb